

FILED
Clerk
District Court

FEB 01 2021

for the Northern Mariana Islands
By 
(Deputy Clerk)

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS**

MILTON AL STEWART,
Acting Secretary of Labor,
United States Department of Labor,

Plaintiff,

vs.

IMPERIAL PACIFIC INTERNATIONAL
HOLDINGS, LTD., IMPERIAL PACIFIC
INTERNATIONAL (CNMI), LLC,

Defendants.

Civil Case No. 1:19-cv-00007

**ORDER CONTINUING
CIVIL CONTEMPT PROCEEDINGS
AND STOP-WORK ORDER**

This matter came on for a status conference on January 28, 2021 to address the continuation of the Court's Order Finding Civil Contempt and Imposing a Stop Work Order entered on January 21, 2021 (Contempt and Stop Work Order, ECF No. 19). Plaintiff then-United States Secretary of Labor Eugene Scalia appeared through Department of Labor Attorneys Charles Song and Boris Orlov via VTC; Defendant Imperial Pacific International (CNMI), LLC ("IPI CNMI") representative Tao Xing appeared with Attorney Michael W. Dotts; and Defendant Cui Lie Jie ("Jie"), Chairperson and Executive Director of Imperial Pacific International Holdings, Ltd. appeared with Attorney Juan T. Lizama. Howyo Chi appeared as interpreter for Jie. Imperial Pacific International Holdings, Ltd. ("IPI Holdings") did not appear.

Based upon the parties filings and arguments, **the Court ORDERS the following amounts be paid by Defendants IPI Holdings, IPI CNMI, and Jie:**

(1) Consent Judgment Payment. \$1,182,793.00¹ owed as back wages under the 2019 Consent Judgment (ECF No. 2) no later than March 1, 2021; and

(2) Escrow. \$800,000.00 deposited into an escrow account or registry to be established as agreed to by the parties or as otherwise ordered by the Court to secure the future payment of wages to IPI's employees going forward. The escrow account shall be opened and fully funded no later than March 1, 2021.

If Defendants fail to comply with the required payments in this Order, the Court may proceed with the appointment of a receiver to immediately begin liquidating Defendant's assets to fulfill payment of the 2019 Consent Judgment.² See *Canada Life Assurance Co. v. LaPeter*, 563 F.3d 837, 845 (9th Cir. 2009) ("[T]he district court has broad discretion in appointing a receiver . . ."). Prior to March 1, 2021, Plaintiffs shall submit to the Court proposed names of a receiver and the terms of the receivership. IPI shall be provided with at least ten days' notice for objections. The Court may appoint the receiver without a hearing.

The Court further ORDERS that Defendants IPI CNMI and Jie continue to halt any and all work related to the improvement, construction and development of the IPI casino in Garapan, Saipan through March 1, 2021. This Stop-Work Order does not apply to IPI construction workers removing the crane and its tower to release funds enabling IPI to purge itself from contempt. However, the Stop Work Order may be lifted by Court order upon payment of the \$1,182,793.00 in back wages owed under the 2019 Consent Judgment, deposit of the \$800,000.00

¹ In its Contempt and Stop Work Order, the Court ordered IPI to make a payment of \$1,379,426 by January 29, 2021. (Contempt and Stop Work Order at 4, ECF No. 19.) On January 21, 2021, IPI made a payment of \$233,754.13 to the Department of Labor of which \$37,121.85 was for wages owed on a previous H-2B case and \$196,632.28 applied towards the amount due under the consent judgment resulting in \$1,182,793 remaining unpaid on the back wage portion of the consent judgment. This resulted in a total reduction of the amount owed in the 2019 Consent Judgment of: \$1,182,793.00.

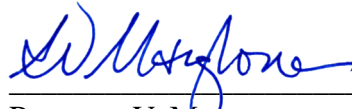
² At the January 28, 2021 status conference, Defendants consented to the appointment of a receiver but reserved its right to object to specific individuals for conflicts of interest or based on terms proposed by the receiver.

1 in an escrow account, the continued timely payment of wages owed to all IPI employees in the
2 CNMI, and upon stipulation of the parties.

3 IPI shall file its third status report by Monday, February 1, 2021. The status report shall
4 include information on payroll through January 29, 2021, the repatriation of its workers, and the
5 housing conditions for its workers in the CNMI. A status conference will be held on **March 31,**
6 **2021 at 8:30 a.m.** in the Third Floor Courtroom. Defendants IPI Holdings, IPI CNMI, and Jie are
7 ORDERED to appear at said hearing.

8 IT IS SO ORDERED.

9 DATED this 1st day of February, 2021.

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12 RAMONA V. MANGLONA
13 Chief Judge
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